

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OKITA ALLEN, as	:	CIVIL ACTION
administratrix of the estate	:	
of Carneze William Boone, Jr.,	:	
and individually	:	
	:	
	:	
v.	:	
	:	
YOUTH EDUCATIONAL SERVICES	:	
OF PA, LLC, et al.	:	NO. 12-4269

ORDER

AND NOW, this 2nd day of April, 2013, upon consideration of the defendants' motion to stay or dismiss (Docket No. 9), and the plaintiff's brief in opposition to that motion, and following oral argument held on February 21, 2013, IT IS HEREBY ORDERED, for the reasons stated in a memorandum bearing today's date, that the defendants' motion is GRANTED IN PART and DENIED IN PART as follows:

1. The defendants' motion to stay or dismiss this action in favor of a pending proceeding among the parties in the Pennsylvania Court of Common Pleas through invocation of this Court's inherent abstention powers is DENIED.

2. The defendants' motion to dismiss all claims against them for failure to state a claim is GRANTED and the plaintiff's claims are DISMISSED without prejudice.

3. The plaintiff may file an amended complaint within

sixty (60) days of the date of this Order. Permitting amendment within a sixty-day period, as opposed to the more usual thirty-day period, is intended to provide the plaintiff with sufficient time to engage in discovery in the parties' Pennsylvania court action, which may assist her in amending her complaint, if she so chooses.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.